IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY THE TENTH DAY OF MARCH TWO THOUSAND AND FOUR

: PRESENT :

THE HON'BLE DR.JUSTICE: MOTILAL B. NAIK

AND

THE HON'BLE MR.JUSTICE: DALAVA SUBRAHMANYAM

W.P. No.4396 of 2004

Between:

A.M. Anwar Sharief.

Petitioner

AND

1.Regional Transport Officer, Hindupur, Anantapur District.
2.Asst. Motor Vehicles Inspector, Penukonda Check Post,
Penukonda.
Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an appropriate, writ, order or direction, preferably one in the nature of writ of Mandamus, declaring the action of the respondents in seizing and detaining the Petitioner's Goods Carriage bearing Registration No.KA.01/A.9595, pursuant to the vehicle Check Report No.0554750 dated 7-3-2004 of the 2nd respondent as illegal, arbitrary and contrary to law and consequently direct the respondents to release the said vehicle to the petitioner herein forthwith, without insisting upon payment of any difference of tax.

The petition coming on for hearing, as to admission, upon perusing the petition and the affidavit filed herein and upon hearing the arguments of Mr.E. Maruthi Raja, Advocate for the Petitioner and of the Govt. Pleader for Transport for the Respondents 1 and 2.

THE COURT MADE THE FOLLOWING ORDER:

"Learned Government Pleader for Transport takes notice and seeks time for obtaining instructions. Let this matter come up on 17-3-2004.

Pending passing further orders, the respondents shall release the vehicle pursuant to the Check Report No.0554750 dt.7-3-2004, on condition of the petitioner depositing Rs.5,000/-(Rupees five thousand only) and also furnishing an undertaking to the effect that whatever orders that would be passed on the next date of hearing in the writ petition, would be binding on him."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1.The Regional Transport Officer, Hindupur, Anantapur District.
2.The Asst. Motor Vehicles Inspector, Penukonda Check Post,
Penukonda.
3.Two CCs to the Govt. Pleader for Transport, High Court of A.P. Hyderabad.(OUT)
4.One spare copy.

H.A.

DRAFTED BY : H.A.
COMPARED BY :

HIGH COURT

DR.MBNJ
&
DSMJ

NOTE : POST ON 17-3-04

DT: 10-03-2004

ORDER :

WP NO.4396/04

DIRECTION